

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHNNY WILLIAM JOHNSON, III,

Case No. 2:22-cv-00462-APG-EJY

Petitioner,

ORDER

v.

C. JOHNSON, et al.,

Respondents.

Petitioner Johnny William Johnson, III initiated this case by submitting a Petition for Writ of Habeas Corpus on March 14, 2022, but he did not pay the \$5.00 habeas filing fee or file an application to proceed *in forma pauperis* (“IFP”) for incarcerated litigants. *See* 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2. On April 6, 2022, the Court ordered Petitioner to either pay the \$5 filing fee or submit a complete IFP application with all required attachments within 45 days. ECF No. 3. Petitioner was warned that a failure to comply by (a) submitting a complete IFP application, or (b) paying the filing fee would result in the dismissal of this action. *Id.* The 45-day deadline expired May 23, 2022. Because Petitioner failed to file a completed IFP application or pay the filing fee by that date, I dismissed the petition without prejudice on May 25, 2022. ECF No. 4. Judgement was entered. ECF No. 6.

On June 30, 2022, Petitioner filed a motion to reopen case, explaining that he never received my April 6, 2022, order. ECF No. 7. Based on Petitioner’s representations, on July 8, 2022, I reopened this case, vacated the dismissal order and judgment, and gave Petitioner another opportunity to comply. ECF No. 8. I gave Petitioner until August 26, 2022, to comply and warned Petitioner that “[f]ailure to comply will result in this action being dismissed again.” *Id.* at

1 2. On August 30, 2022, Petitioner filed an incomplete IFP application and a letter explaining
2 that he provided a financial certificate to the proper prison officials but has not received it back
3 yet. ECF Nos. 9, 9-1. Because Johnson needed additional time to receive his financial
4 certificate, I deferred ruling on his IFP application and granted him an additional 45 days, until
5 October 17, 2022, to file a completed financial certificate and statement of his inmate account.
6 ECF No. 10. The October 17, 2022, deadline has passed, and Petitioner has not filed a
7 completed financial certificate and statement of his inmate account, paid the filing fee, requested
8 an extension of time, updated the Court on the status of his request for a financial certificate, or
9 taken any other action to prosecute this case.

10 I THEREFORE ORDER:

- 11 1. Petitioner Johnny William Johnson III's Petition for Writ of Habeas Corpus [ECF
12 No. 5] is **DISMISSED WITHOUT PREJUDICE** based his on failure to comply
13 with the Court's Orders [ECF No. 8, 10] or the Local Rules of Practice.
- 14 2. Petitioner's motion for leave to proceed in forma pauperis [ECF No. 9] is **denied**
15 **as incomplete.**
- 16 3. Petitioner is denied a certificate of appealability, as jurists of reason would not
17 find dismissal of the petition for the reasons stated herein to be debatable or
18 wrong.
- 19 4. The Clerk of Court is instructed to enter final judgment accordingly and close this
20 case.

21 Dated: October 24, 2022

22 
23 ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE